

EXHIBIT B

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JEANIE HICKS
Plaintiff,

v.

CENLAR FSB,
Defendants.

§
§
§
§
§
§
§

CIVIL ACTION NO. 4:20-cv-1661

DECLARATION OF RYAN BOURGEOIS

THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

1. “My name is **RYAN BOURGEOIS**. I am over the age of eighteen (18), have never been convicted of a crime involving moral turpitude and am fully competent to provide this testimony. The facts stated in this Declaration are within my personal knowledge and are true and correct.

2. “I am a Partner and General Counsel for Barrett Daffin Frappier Turner & Engel, LLP (“Barrett Daffin”). I am personally familiar with Barrett Daffin’s legal representation of Cenlar FSB (“Cenlar”), with respect to the foreclosure proceedings relating to Jeanie Hicks that occurred between 2011 and 2021.

3. “In my capacities, my duties have included the supervision of conducting foreclosure sales on behalf of BDFTE’s clients, including the supervision of the mailing of notices of acceleration, notices of Substitute Trustee’s sales, execution and recording of Substitute Trustee’s Deeds, and Rescission of Acceleration as appropriate on each given matter. I personally am familiar with the standard business practices of BDFTE in the service of these notices. In preparation for this Declaration, I reviewed the business records of BDFTE,

including, but not limited to, all servicing notes and actions taken in the foreclosure files on behalf of Cenlar including all contact between BDFTE, Cenlar, and Jeanie Hicks for the loan secured by the property commonly known as 4403 Ebbtide Drive, Houston, Texas 77045 (the 'Property'). I personally am familiar with these records.

4. I am also the custodian of Cenlar's records with respect to default servicing of the Mortgagor's loan. The records attached to this Declaration are records which were obtained and kept in the regular course of business by BDFTE for purposes of liquidating the security for the Mortgagor's loan so that Movant could obtain payment for the money advanced for the Property. The records attached to this Declaration include documents from Movant in the custody of BDFTE. The records are the source of the exhibits attached to this Declaration. It was in the regular course of business that BDFTE or an employee or representative of BDFTE obtained these documents and records which were kept and generated in Movant's regular course of business, which is essential and required to properly administer the loan file for Movant. As to the business records attached to this Declaration, BDFTE, with knowledge of the act, event, condition or opinion recorded, obtained the business records which were received, checked, verified and then incorporated into, and made an integral part of, BDFTE's business records and file, and kept in its regular course of business; or BDFTE made the record or transmitted the information to be included in such records. The records were made at or near the time, or reasonably soon after the act, event, or condition recorded. The records attached to this Declaration are the originals or exact duplicates of the original.

5. On or about January 22, 2020, BDFTE noticed the Property for the March 3, 2020 foreclosure sale via certified and regular mail. On February 10, 2020, BDFTE posted notice of

the foreclosure sale in Harris County. A true and correct copy of the Notices of Substitute Trustee Sale are attached hereto as **Exhibit B-1** and incorporated herein by reference.

8. On or about September 2, 2015, BDFTE mailed out a Rescission of Acceleration to Plaintiff. A true and correct copy of the Rescission of Acceleration is attached hereto as **Exhibit B-2**.

9. Pursuant to 28 U.S.C (S) 1746, I declare under penalty of perjury that the foreclosing is true and correct. Date this 6th day of May, 2021.

DECLARANT

A handwritten signature in black ink, appearing to read 'Ryan Bourgeois', is written over a horizontal line.

Ryan Bourgeois

EXHIBIT B-1

DIANE TRAUTMAN, COUNTY CLERK, HARRIS COUNTY, TEXAS

FRCL-2020-1098

FILED 2/10/2020 11:04:56 AM

4403 EBBTIDE DRIVE
HOUSTON, TX 77045

20110022000927

NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

1. Date, Time, and Place of Sale.

Date: March 03, 2020

Time: The sale will begin at 10:00 AM or not later than three hours after that time.

Place: BAYOU CITY EVENT CENTER, 9401 KNIGHT RD, HOUSTON TX IN THE LARGE BALLROOM IN THE DESIGNATED AREA OUTLINED IN THE COMMISSIONERS COURT ORDER or as designated by the county commissioners.

2. Terms of Sale. Cash.

3. Instrument to be Foreclosed. The Instrument to be foreclosed is the Deed of Trust or Contract Lien dated March 14, 2006 and recorded in Document CLERK'S FILE NO. Z170534 real property records of HARRIS County, Texas, with JEANIE M HICKS, grantor(s) and CITICORP TRUST, BANK, FSB, mortgagee.

4. Obligations Secured. Deed of Trust or Contract Lien executed by JEANIE M HICKS, securing the payment of the indebtednesses in the original principal amount of \$15,000.00, and obligations therein described including but not limited to the promissory note and all modifications, renewals and extensions of the promissory note. US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR CRMSI REMIC 2006-03 - REMIC PASS-THROUGH CERTIFICATES SERIES 2006-03 is the current mortgagee of the note and Deed of Trust or Contract Lien.

5. Property to Be Sold. The property to be sold is described in the attached Exhibit A.

6. Mortgage Servicer Information. The Mortgage Servicer is authorized to represent the Mortgagee by virtue of a servicing agreement with the Mortgagee. Pursuant to the Servicing Agreement and Texas Property Code § 51.0025, the Mortgage Servicer is authorized to collect the debt and to administer any resulting foreclosure of the lien securing the Property referenced above. CENLAR FSB, as Mortgage Servicer, is representing the current mortgagee, whose address is:

c/o CENLAR FSB
425 PHILLIPS BLVD
EWING, NJ 08618



4403 EBBTIDE DRIVE
HOUSTON, TX 77045

20110022000927

THIS INSTRUMENT APPOINTS THE SUBSTITUTE TRUSTEE(S) IDENTIFIED TO SELL THE PROPERTY DESCRIBED IN THE SECURITY INSTRUMENT IDENTIFIED IN THIS NOTICE OF SALE THE PERSON SIGNING THIS NOTICE IS THE ATTORNEY OR AUTHORIZED AGENT OF THE MORTGAGEE OR MORTGAGE SERVICER.

The undersigned as attorney for the mortgagee or mortgage servicer does hereby remove the original trustee and all successor substitute trustees and appoints in their stead M. SAMUEL DAFFIN II, BECKETT FRAPPIER, CINDY SANCHEZ, JEFF FLEMING, RYAN BOURGEOIS, NATHAN SANCHEZ, REX KESLER, OR THOMAS REDER whose address is c/o BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320 as Substitute Trustee, who shall hereafter exercise all powers and duties set aside to the said original trustee under the said Deed of Trust; and, further does hereby request, authorize, and instruct said Substitute Trustee to conduct and direct the execution of remedies set aside to the beneficiary therein.

Is Saucedo

Israel Saucedo

Certificate of Posting

My name is TIM NGUYEN, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320. I declare under penalty of perjury that on FEB 10 2020 I filed at the office of the HARRIS County Clerk and caused to be posted at the HARRIS County courthouse this notice of sale.

Tim Nguyen

Declarants Name: TIM NGUYEN

Date: FEB 10 2020

DIANE TRAUTMAN, COUNTY CLERK, HARRIS COUNTY, TEXAS

FRCL-2020-1098

FILED 2/10/2020 11:04:56 AM

4403 EBBTIDE DRIVE
HOUSTON, TX 77045

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HARRIS



LOT SEVEN (7) IN BLOCK EIGHT (8) OF PAMELA HEIGHTS, SECTION ONE (1), AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 50, PAGE 74 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

DIANE TRAUTMAN, COUNTY CLERK, HARRIS COUNTY, TEXAS

FRCL-2020-1098

FILED 2/10/2020 11:04:56 AM

**Barrett Daffin Frappier
Turner & Engel, LLP**
4004 Belt Line Road
Suite 100
Addison, TX 75001



17207770

20110022000927 01/22/2020

JEANIE M HICKS
THOMAS M. ROOT, ATTORNEY
450 N. TEXAS AVE., STE. A
WEBSTER, TX 77598

**IMPORTANT INFORMATION IS CONTAINED
WITHIN THE ATTACHED NOTICE.**

PLEASE READ CAREFULLY

**BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP
IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A
DEBT. ANY INFORMATION OBTAINED WILL BE USED
FOR THAT PURPOSE.**

01 01 TX N 02

HP

4403 EBBTIDE DRIVE
HOUSTON, TX 77045

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NOTICE OF [SUBSTITUTE] TRUSTEE'S SALE

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

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c/o CENLAR FSB
425 PHILLIPS BLVD
EWING, NJ 08618



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HOUSTON, TX 77045

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Israel Saucedo

Certificate of Posting

My name is _____, and my address is c/o 4004 Belt Line Road, Suite 100, Addison, Texas 75001-4320. I declare under penalty of perjury that on _____ I filed at the office of the HARRIS County Clerk and caused to be posted at the HARRIS County courthouse this notice of sale.

Declarants Name: _____

Date: _____

4403 EBBTIDE DRIVE
HOUSTON, TX 77045

20110022000927

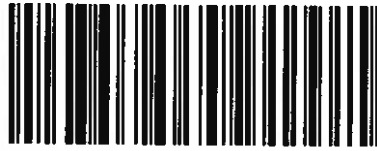
20110022000927

HARRIS

EXHIBIT "A"

LOT SEVEN (7) IN BLOCK EIGHT (8) OF PAMELA HEIGHTS, SECTION ONE (1), AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 50, PAGE 74 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.

**Barrett Daffin Frappier
Turner & Engel, LLP**
4004 Belt Line Road
Suite 100
Addison, TX 75001



7160 9668 9670 8857 4650

20110022000927 01/22/2020

JEANIE M HICKS
4403 EBBTIDE DRIVE
HOUSTON, TX 77045

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NTSS20110022000927

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**Barrett Daffin Frappier
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4004 Belt Line Road
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Addison, TX 75001



7160 9668 9670 8857 4667

20110022000927 01/22/2020

JEANIE M HICKS
THOMAS M. ROOT, ATTORNEY
450 N. TEXAS AVE., STE. A
WEBSTER, TX 77598

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EWING, NJ 08618



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Name and Address of Sender
Barrett Daffin Frappier
Turner & Engel, LLP
4004 Belt Line Road, Suite 100
Addison, Texas 75001

Check type of mail or service:

- ☒ Certified
☐ COD
☐ Delivery Confirmation
☐ Express Mail
☐ Insured
☐ Recorded Delivery (International)
☐ Registered
☐ Return Receipt for Merchandise
☐ Signature Confirmation

Affix Stamp Here
 (If issued as a
 certificate of mailing,
 or for additional
 copies of this bill)

01/22/2020

Postmark and
 Date of Receipt

Article Number

Addressee (Name, Street, City, State, & ZIP Code)

Postage

Fee

RR
 Fee

1. 7160 9668 9670 8857 4650

JEANIE M HICKS
 4403 EBBTIDE DRIVE
 HOUSTON, TX 77045

\$0.500 \$3.50

20110022000927MNOS

Return
 Receipt

2. 7160 9668 9670 8857 4667

JEANIE M HICKS
 450 N. TEXAS AVE., STE. A
 WEBSTER, TX 77598

\$0.500 \$3.50

20110022000927MNOS

Return
 Receipt

Total Number of Pieces
 Listed by Sender

Total Number of Pieces
 Received at Post Office

2

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$500 per piece subject to additional limitations for multiple pieces lost or damaged in a single catastrophic occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500, but optional Express Mail Service merchandise insurance is available for up to \$5,000 to some, but not all countries. The maximum indemnity payable is \$25,000 for registered mail sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on insured and COD insurance.

F3877A - 06/01 (05/01/03)
 (Variation of USPS Form 3877, February 2002)

Complete by Typewriter, Ink, or Ball Point Pen

Page 1 of 1



EXHIBIT B-2

BARRETT DAFFIN FRAPPIER

TURNER & ENGEL, LLP

A PARTNERSHIP INCLUDING
PROFESSIONAL CORPORATIONS

ATTORNEYS AND COUNSELORS AT LAW

CHERYL ASHER
ASSOCIATE ATTORNEY
TEXAS FORECLOSURE GROUP

15000 SURVEYOR BOULEVARD
SUITE 100, DEPARTMENT 2018
ADDISON, TEXAS 75001
TELEPHONE: (972) 341-5218
TELECOPIER: (972) 341-5075

September 2, 2015

CERTIFIED MAIL: 7015 1520 0000 1637 2129

JEANIE M. HICKS
4403 EBBTIDE DRIVE
HOUSTON, TX 77045

Re: **RESCISSION OF ACCELERATION**

Property: 4403 Ebbtide Drive, Houston, Texas
BDF No: 20110022000927
Mortgage Servicer: Citimortgage, Inc.

This law firm represents Citimortgage, Inc., the Mortgage Servicer, in its mortgage banking activities in the State of Texas. US Bank National Association As Trustee For CRMSI REMIC 2006-03 - REMIC Pass-Through Certificates Series 2006-0 is the mortgagee of the Note and Texas Home Equity Security Instrument associated with the above mentioned property.

PLEASE BE ADVISED THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

This letter is formal notice of the following:

Mortgagee under the Texas Home Equity Security Instrument referenced below hereby rescinds the notice of acceleration dated September 2, 2011 and all prior notices of acceleration. Mortgagee further agrees that Borrower may continue to pay the indebtedness due Mortgagee pursuant to the terms of the debt secured by the Texas Home Equity Security Instrument. This Rescission of Acceleration does not waive or suspend the rights, interests or claims of Mortgagee, its successor or assigns, to accelerate and collect in the future the debt owed by Borrower. Mortgagee has appointed the undersigned as its duly authorized agent to execute this instrument on its behalf for the purposes herein stated.

Texas Home Equity
Security Instrument

Date: March 14, 2006

Grantor(s) Jeannie M. Hicks

Original Mortgagee: Citicorp Trust, Bank, FSB

Current Mortgagee: US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR
CRMSI REMIC 2006-03 - REMIC PASS-THROUGH
CERTIFICATES SERIES 2006-03

Mortgage Servicer: Citimortgage, Inc.

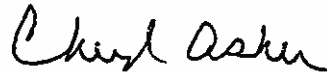
Recording Info: Clerk's File No. Z170534

Property County: Harris County

Legal Description

LOT SEVEN (7) IN BLOCK EIGHT (8) OF PAMELA HEIGHTS, SECTION ONE (1), AN
ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT
THEREOF, RECORDED IN VOLUME 50, PAGE 74 OF THE MAP RECORDS OF HARRIS
COUNTY, TEXAS.

Sincerely,



Cheryl Asher

CA/ko